UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,772	07/02/2003	William A. Montemer	1003-P0003US	5008

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EXAMINER
RAJ, RAJIV J

ART UNIT	PAPER NUMBER
3686	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on ___June 25, 2008___ .
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 2* is/are pending in the application.
    4a) Of the above claim(s) *none* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1 and 2* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *02 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____ .
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 25 June 2008.

2. Claims 1-2 have been amended.

3. Claims 1-2 are currently pending and have been examined.

Priority

4. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1. Determining the scope and contents of the prior art.
    2. Ascertaining the differences between the prior art and the claims at issue.
    3. Resolving the level of ordinary skill in the pertinent art.
    4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soulanille (US 2001/0051940 A1) (hereinafter Soulanille) in view of Padden et al. (US 4979206) (hereinafter Padden).

Claim 1

Soulanille as shown, discloses the following limitations:

- *maintaining a database including a plurality of directory listings,* (see at least Soulanille [0042] "In a preferred embodiment of the present invention, search engine web server 24 includes a search database 40 comprised of search listing records used to generate search results in response to user queries.")

- *wherein each listing is associated with a referral phone number, at least one keyword and a bid amount a directory listing owner is willing to pay for a single telephone referral;* (see at least Soulanille [0016] "In a database of search listings in which each search listing is associated with an advertiser and includes at least one search term and a bid amount by the advertiser, search listings generating a match with the search request are identified.")

- *receiving a directory assistance request in the form of a keyword from the customer;* (see at least Soulanille [0016] The method includes receiving a search request from a searcher . . . includes at least one search term")

- *identifying the directory listings having keyword terms generating a match with the request;* (see at least Soulanille [0017] "identifying search listings having search terms generating a match with the search request.")

- *ordering the identified directory listings into a phone number result list in accordance with the values of the bid amounts for the identified directory listings;* (see at least Soulanille [0018] "arranging as the search result list the identified search listings for display in a random order weighted according to the bid amount associated with each respective identified search listing.")

- *selecting one of the directory listings;* (see at least Soulanille [0018] "The method further includes selecting according to bid amount a variable number of identified search listings for display to the searcher, wherein the number of selected identified search listings is a function of the bid amounts for the identified search listings.")

- *generating a paid referral business transaction and associating it with the listing owner's advertising account;* (see at least Soulanille [0044] "Most preferably, the advertiser's web site description and hyperlink on the search result list page is accompanied by an indication that the advertiser's listing is a paid listing. Most preferably, each paid listing displays a "cost to advertiser," which is an amount corresponding to a "price-per-click" paid by the advertiser for each referral to the advertiser's site through the search result list.")

- *generating one or a plurality of derivative business transactions to execute the business processes involved in the referral transaction.* (see at least Soulanille [0014 & [0012] "A consumer utilizing a search engine that facilitates this on-line marketplace will find companies or businesses that offer the products, services, or information that the consumer is seeking." & "The banner may act a hyperlink a visitor may click on to access the site. Like traditional advertising, banner advertising on the Internet is typically priced on an impression basis with advertisers paying for exposures to potential consumers.")

- *wherein at least one business process involved in the referral transaction comprises a hierarchical multi-step automated process that includes two or more component processes performed in series, a first component process of which is configured to process data comprising a set of transaction data encapsulated as a package; repackage the transaction data, including context data associated with the first component process; and send the repackage transaction and context data to a next component process;* (see at least Soulanille [0066], [0081], Fig:2 Items:120,150-180, Fig:6 Items:602-616, Fig:7 Items:710a-760h & related text)

Soulanille does not disclose the following limitation, however Padden, as shown, does:

- *a directory assistance request from a telephone customer using a computer network* (see at least Padden Column:1 Lines 13-17 "a customer places a call to an operator and gives the particulars of a request for a directory listing and the operator keys identifying data into a computer for locating directory listings.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations, as taught by Soulanille, with *a directory*

assistance request from a telephone customer using a computer network, as taught by Padden, with the motivation of increasing the efficiency and effectiveness of delivering relevant information to interested parties in a cost-effective manner (Soulanille [0013]).

Claim 2

Soulanille as shown, discloses the following limitations:

- *encapsulate the business transaction parameters in a separate transaction container that can be passed as a complete package to disparately located business transactions; send the transaction container to one or a plurality of business processes; after executing each business process, include a resulting system state as the transaction context for the particular business process; and add successive transaction contexts to the transaction container in such a way that the sequence of initial state, desired operation, input parameters and resulting state fully describes each step of the multi-step distributed transaction.* (see at least Soulanille [0115] "This pseudocode and the method illustrated in FIG. 10 may be adapted to any suitable embodiment. In particular, it may be adapted as program code in C++ or Java implemented on a web server and operated by a pay for performance search engine operator" wherein object-oriented programming, such as C++, naturally discloses the steps of packaging, transporting, and adding additional business transactions.)

- *one or more processors configured to;* (see at least Soulanille [0037])

Soulanille does not disclose the following limitation, however Padden, as shown, does:

- *a directory assistance request from a telephone customer using a computer network* (see at least Padden Column:1 Lines 13-17)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the limitations, as taught by Soulanille, with *generating one or a directory assistance request from a telephone customer using a computer network,* as taught by Padden, with the motivation of increasing the efficiency and effectiveness of delivering relevant information to interested parties in a cost-effective manner (Soulanille [0013]).

Response to Arguments

9. Applicant's arguments received on 25 June 2008 have been fully considered but they are not persuasive.

10. In response to Applicant's arguments, it is respectfully submitted that the current claims, as amended, were not in the previously pending claims. As such, Applicant's remarks directed to features being newly added have been newly addressed in the above grounds of rejection of the current claims, as amended.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJIV J. RAJ whose telephone number is (571) 270-3930. The examiner can normally be reached on Monday thru Friday 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

Date:10/14/08
/RJR/, Art Unit 3686

/Gerald J. O'Connor/
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